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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 FRANCISCO JAVIER GONZALES, JR.
Defendant.

CASE NO. 2:22-CR-00140-03
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER
DATE: January 22, 2024
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

16
17 **STIPULATION**

18 1. By previous order, this matter was set for status on January 22, 2024.

19 2. By this stipulation, defendant now moves to continue the status conference until March 4,
20 2024 at 9:00 a.m., and to exclude time between January 22, 2024, and March 4, 2024, under Local Code
21 T4.

22 3. The parties agree and stipulate, and request that the Court find the following:

23 a) The government has represented that the discovery associated with this case
24 includes approximately two-hundred-fifty pages of investigative reports, video recordings, and
25 forensic images of five telephones consisting of over 5GB of data. All of this discovery has been
26 either produced directly to counsel and/or made available for inspection and copying.

27 b) Counsel for defendant desires additional time to review the discovery materials
28 and charges, conduct investigation and research related to the charges, to review and copy the

1 discovery already tendered, to assess the viability of any pretrial motions, and discuss potential
2 resolutions with his client.

3 c) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny them the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 *et seq.*, within which trial must commence, the time period of January 22, 2024 to March 4,
12 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
13 T4] because it results from a continuance granted by the Court at defendant's request on the basis
14 of the Court's finding that the ends of justice served by taking such action outweigh the best
15 interest of the public and the defendant in a speedy trial.

16 **[CONTINUED ON NEXT PAGE]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 6, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT C. ABENDROTH
ROBERT C. ABENDROTH
Assistant United States Attorney

Dated: December 6, 2023

/s/ MARK JOSEPH REICHEL
MARK JOSEPH REICHEL
Counsel for Defendant
FRANCISCO JAVIER GONZALES, Jr.

ORDER

IT IS SO FOUND AND ORDERED.

Dated: January 19, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE